

LETTER

FROM THE

SECRETARY OF THE TREASURY,

TRANSMITTING THE INFORMATION

Required by a resolution of the House of Representatives, of the 11th instant,

IN RELATION TO THE CONSTRUCTION GIVEN

BY THE

Registers and Receivers of the Land Offices,

TO THE ACT OF 1821,

For the relief of the Purchasers of the Public Lands,

And the instructions given to them relative to said act, with regard to
fees, or compensation," &c. &c.

FEBRUARY 25, 1824.

Referred to the Committee on the Public Lands.

WASHINGTON:

PRINTED BY GALES & SEATON.

1824.



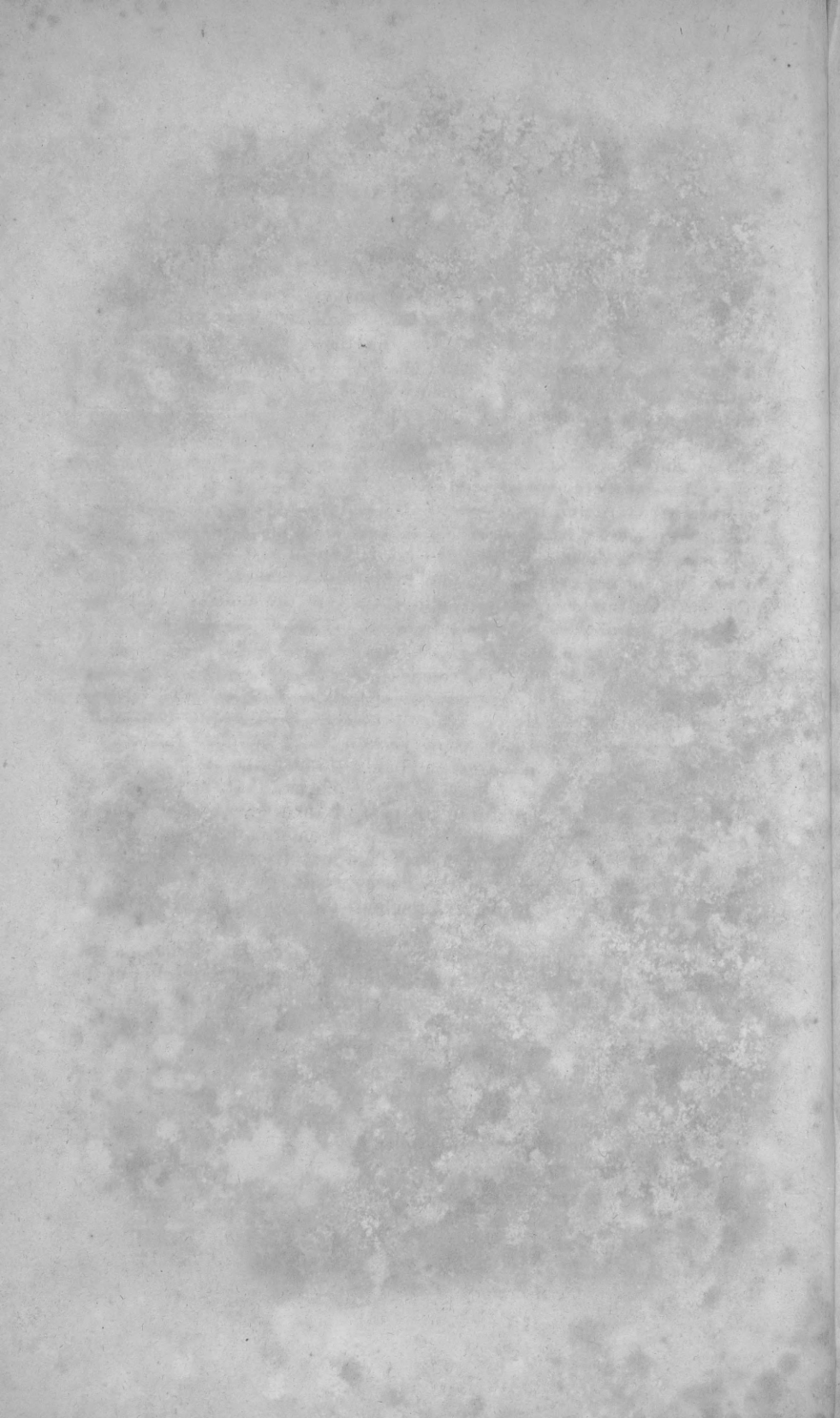
TREASURY DEPARTMENT,

February 24, 1824.

In obedience to a resolution of the House of Representatives, passed on the 11th instant, the Secretary of the Treasury has the honor to transmit, herewith, a letter from the Commissioner of the General Land Office, which, with the accompanying documents, constitutes all the information in this Department, touching the several matters referred to in the resolution.

With respect to the compensation allowed by law to the Registers and Receivers, the Secretary is convinced it has not been adequate to the services rendered in all cases where fees have not been demanded, which were not authorized by the law: The Secretary, therefore, respectfully recommends, that the President be authorized to make such additional compensation as may be considered just and reasonable, but in no case exceeding the Clerk hire actually paid by each Receiver and Register during the twelve months immediately preceding the 1st July, 1821.

The Honorable SPEAKER
of the House of Representatives.



GENERAL LAND OFFICE,

16th February, 1824.

SIR: In compliance with a resolution of the House of Representatives, directing the Secretary of the Treasury to state what practical construction had been given by the several Registers and Receivers, respectively, to the act of 1821, for the relief of the purchasers of the public lands, and the instructions given them relative to said act, with regard to fees or compensation, &c. &c., and which has been referred by you to this office, I have the honor to submit a copy of the instructions given in regard to the fees sanctioned by the 7th and 8th sections of the act above alluded to. It is not known at this office that any other or greater fees were demanded, or received, by the Registers and Receivers, than those sanctioned by the instructions; it is, however, possible, that there may have been instances where the Registers have charged more than fifty cents for each declaration, on the ground that the declaration embraced more than one tract for further credit. As no returns of the amount of fees received by the officers were required to be made to this office, we have no means of ascertaining this fact, or the amount of fees which was received by the officers, respectively.

It appears that a great variety of constructions have been given by the Registers and Receivers, respectively, as to the compensation to which they were entitled for services rendered under the act for the relief of the purchasers of the public lands, and as it seems to have been the universal opinion of these officers that the fees allowed by law were inadequate to compensate them for the extra services imposed, and as they appear to have been stimulated to a proper execution of the work, by prospects held out from this Office, that further remuneration for their services would be granted by Congress, I have deemed it proper to submit the correspondence on that subject.

On the adjustment, at this office, of the accounts of the officers, no charge made for extra services under the act for the relief of the purchasers of the public lands, either in the shape of Clerk hire, or as a per centage on the amount of the lands relinquished, is admitted.

In those instances where the officers may have received the fees allowed by law, and resigned their offices before the business had been finished, their successors have been instructed to have the unfinished business executed, and the necessary returns made, and for the extra expense incurred, the officer who received the fees will be held liable under his bond.

I am, very respectfully,

Sir, your obedient servant,

GEO. GRAHAM.

The Honorable WM. H. CRAWFORD,
Secretary of the Treasury.

Extract from a Circular to the Registers and Receivers, dated

“ TREASURY DEPARTMENT,

“ General Land Office, 1st June, 1821.

“ The *Registers* are entitled to receive fifty cents for receiving, recording, and filing the declaration of each and every person or company who shall avail themselves of the benefit of the act.”

“ The *Registers* and *Receivers*, respectively, are entitled to receive fifty cents from the party relinquishing, for each half quarter section, quarter section, half section, section, fractional section, or legal subdivision of a fractional section, so relinquished.”

Abstract of the original letters of the Registers and Receivers of Land Offices, transmitted with the communication of the Commissioner of the General Land Office, dated 16th February, 1824, to the Honorable Secretary of the Treasury :

- No. 1. From David Hoge, Register, Steubenville, dated 14th July, 1821. See answer, marked A.
- No. 2. From Michael Jones, Register, Kaskaskia, 2d November, 1821. See answer, marked B.
- No. 3. From Samuel Stokely, Receiver, Steubenville, 16th July, 1821. See answer, marked C.
- No. 4. From William Crawford, Receiver, St. Stephen's, 14th August, 1821. See answer, marked D.
- No. 5. From Bev'y R. Grayson, Register, Washington, 21st July, 1821. See answer, marked E.
- No. 6. From Thomas A. Smith, Receiver, Franklin, 1st Dec'r 1821.
- No. 7. From Alexander Pope, Register, Cahaba, 16th January, 1822.
- No. 8. From John Miller, Register, Franklin, 24th January, 1822.
- No. 9. From John Miller, Register, Franklin, 16th July, 1822. See answers, marked F. and G.
- No. 10. From Jesse Spencer, Register, Chillicothe, 10th January, 1822.
- No. 11. From Edward Coles, Register, Edwardsville, 12th February, 1822.
- No. 12. From Tho's Sloo, Register, Shawneetown, 7th March, 1822.
- No. 13. From J. C. S. Harrison, Receiver, Vincennes, 12th March, 1822.
- No. 14. From George F. Strother, Receiver, St. Louis, 4th December, 1823. See answer, marked H.
- No. 15. From Joseph Dunbar, Receiver, Washington, 2d Jan. 1823.

There are also transmitted a blank declaration and relinquishment. It will be observed, that there was no more compensation allowed for a declaration embracing fifty tracts, than for one including a single tract.

No. 1.

LAND OFFICE, STEUBENVILLE, *July 14th, 1821.*

SIR : I have received your letter of the 29th June, with the circulars of the 1st, 15th, 26th, and 27th, and sundry books and forms, &c. The blank declarations and relinquishments to be executed by purchasers, are immediately wanted; the business cannot be entered on without them, as the parties are entirely incapable of writing them for themselves. The blank books for records of relinquishments, will probably be sufficient, or nearly so; but, of these, I cannot make an accurate estimate : I have no data from which a calculation can be made. About four books more for recording declarations will be required. The number of declarations may probably be about one thousand.

I have, unfortunately, been acting on the law. I have not received or entered any relinquishments; but, believing it necessary that a declaration should be filed for every tract, to entitle the party to the benefit of the law; and, the applications being numerous, and great complaints made of the delay, many stating their inability to attend again, and complaining of the distance they had to travel; I consented to receive and file declarations. I considered the declaration as an entirely distinct thing from the relinquishment; and being an act necessary only to entitle the party to a benefit, it did not appear to me that as much formality was necessary in this case, as in case of a relinquishment. I therefore drew up a short form, stating the consent of the party as purchaser of the tract therein named, to the law, which was signed by him or his agent, in my presence. Of this transaction I made a marginal note at the original entry, and endorsed the same on his certificate, which was returned to him. One hundred and five declarations have been entered in this manner.

Several payments have been made, and a considerable sum of money received, which otherwise would not have been paid: for, I did not consider the party as entitled to any benefit of the act, until he had filed his declaration. If any of these parties wish to relinquish any part of their land, the relinquishment, which must be entered before the 30th of September, will supersede the declaration; and the whole can, after that day, be entered in the abstracts to which they properly belong. You say, "the duties of the office will be arduous" for a few months. To me they appear to be impracticable, on the plan proposed, within the time prescribed. The calculations alone, necessary to make the entries in the different abstracts, could not be made in the time prescribed. If this plan be insisted on, I must beg leave to decline it entirely. I will take the liberty of suggesting a plan, which, I think, will answer every purpose, and which may be practicable. I will undertake to make the entries required, in the abstract of relinquishments, as far as they can now be made, leaving the certificates to be issued, and the journal entries to be made out, at a time of more leisure, if that time ever occur. In the case of declarations, where

no part of the land is to be relinquished, I propose to receive, file, and record the declaration; make the marginal note of it, and endorse the original certificate, leaving it, for the present, at least, in possession of the party. In this way, every act to be done by the purchaser to entitle him to the benefit of the law, may, possibly, be got through against the 30th of September. After that day, when the pressure of business will be over, the entries can be made in the abstract of further credits from the declarations; and, the new certificates, if it be necessary, can be issued when the party comes to pay an instalment, when more time can be taken to make the calculations. But, I would beg, that new certificates, in this case, might be dispensed with; they do not appear to me to be absolutely indispensable, and the issuing these will impose an intolerable burden on the Register, for which there is no compensation allowed.

* The entries, in the abstract of lands fully paid for, can be made, likewise, after the pressure of business, from my register of certificates.

There is another difficulty, which may be insuperable. By the 2d section of the law, "the interest which shall have accrued before the 30th day of September next, upon any debt to the United States, for public lands, shall be, and the same is hereby, remitted and discharged." What interest is remitted by this law? When the payment of an instalment has been completed, and the interest charged in the ledger, I presume that interest is not remitted. But, in many cases, payments on account have been received. In these cases, the calculations of interest and discount were never made until the instalment was closed; and, in some cases, not until the final settlement of the account, when they appeared in the Receiver's receipts, and were charged in the books. These payments may be entitled to discount, or be chargeable with their proportion of interest, according to the existing law at the time the payments were made; but, no actual entry of interest or discount is made in the books, the instalment or the account not being closed. Now, is all this unsettled interest remitted? If it be *not* remitted, it will be impossible to make the entries in the abstract of relinquishments: the time allowed would not be sufficient to make the calculations alone. And, it is evident, that, until the calculations be made, and all the interest and discount actually entered in the ledger, we have not the data from which the entries, required in the abstract of relinquishments, are to be made. If this interest on these partial payments be remitted by the law, but the party be entitled to a discount on any partial payment made before due, by former laws, the entries cannot be made in the abstract until the calculations be made, and the discount entered in the ledger, because we cannot determine the amount transferrable from lands relinquished, of which the discount forms a part, nor the balance due on lands retained; so that, if any notice is to be taken, either of interest or discount on partial payments, where the instalment is not closed, it appears to me to be impracticable to make the entries required in the abstract of relinquishments: I mean within the time required by law; for, if sufficient time were allowed, and sufficient assistance, every difficulty can be overcome.

In taking a view of the duties imposed on me by this law, and the plan adopted for carrying it into effect, I am ready to sink, in total despair of being able to discharge them to your or my satisfaction. The difficulties appear insurmountable, considering the shortness of the time; and, I will not attempt, or promise, what I am unable to perform. Other Registers may judge for themselves, but I must declare my decided conviction, that the law cannot be executed without allowing clerk hire for one year, at least, at the rate of not less than seven hundred and fifty dollars; or, giving the Register a salary that will enable him to procure the necessary assistance. I presume the Secretary of the Treasury has power to allow clerk hire, and I am persuaded that, on a representation of the case to him, he will see the necessity of it. My whole compensation will not exceed seven or eight hundred dollars per year, a sum which falls far short of supporting my family; and, the whole of which would not pay the clerk hire imposed on me by this law. The sum I have mentioned for clerk hire, may appear large; but it must be considered, that a clerk, capable of doing this business, is rarely to be found; and, as a permanent situation cannot be promised, the salary will probably be higher. As it would require at least one year to do this business as it ought to be done, and secure correctness, the only mode which appears practicable *now*, is to file and record the declarations as already mentioned, and to record and file the relinquishments and enter all the tracts which will come into view in effecting the relinquishments in the abstract. The debtors will then have complied with every thing required of them to entitle them to the benefit of the law, in due time; and the other entries in the abstract can be made at leisure, after making the necessary calculations and entries of interest and discount.

I shall anxiously await your answer; and will, in the mean time, do no business other than receive cash payments.

I am, very respectfully, sir,
Your obedient servant,

DAVID HOGE,

Reg'r Land Office.

JOSIAH MEIGS, Esq.

Commissioner Gen'l Land Office.

LAND OFFICE AT STEUBENVILLE,

July 20th, 1821.

SIR: In my letter, of the 14th instant, which was written in much haste, immediately after receiving the forms, I may have used some expressions which may be misunderstood. I did not mean to express

any reluctance to any duty, or to engage in any labor that might be required; but merely my fear of not being able to do the business within the time required, and lest, by that means, purchasers might be deprived of the benefit of the law.

I have now more fully examined and considered your plan. It is admirably calculated to give a connected view of the accounts, and of the operation of the law on them. There is nothing wanting but sufficient time to carry it into complete effect. The great difficulty is the uncharged interest and discount on partial payments. As soon as I receive your final instructions respecting these, and the forms for purchasers, I will engage in the business, and no exertion in my power shall be spared to give you satisfaction, and fulfil the law. No inconvenience will result from the present delay. People being now engaged in the labors of harvest, not a single application has been made for a week or two.

As this accumulation of business will oblige me to employ an additional clerk or two, and my compensation is far below what it ought to be, I hope you will think it reasonable to allow clerk hire.

I am, very respectfully, Sir,

Your obedient servant,

DAVID HOGE, *Register.*

JOSIAH MEIGS, Esq.

Commissioner General Land Office.

No. 2.

KASKASKIA, *November 2d, 1821.*

SIR: Herewith you will receive accounts of lands applied for, and moneys entered, during the month of October last, together with two receipts, Nos. 4766 and 4767, granted by the Receiver, in conformity with the provisions of the act of the 2d of March last; also, receipt No. 31, and final certificate No. 31, granted to Thomas Ferrill under the cash system; the receipts issued prior to the 30th September last, for payments made for lands purchased prior to the 1st of July, 1820, we have retained, and shall forward them with our abstracts, which will be ready for transmission in a short time. You will perceive, that the receipts issued under the act of March last, are of the same series of numbers with those issued for the lands purchased prior to the 1st of July, 1820.

I have had, for some time, four clerks, and never less than three, employed in my office; the duties are very arduous, and will require much labor and time to complete the whole accurately, and I trust the Government will allow the Registers compensation commensu-

rate with their services. A per centum on all lands relinquished, would, in fact, not amount to an adequate reward for the additional services required of them.

I am, very respectfully, sir,

Your obedient servant,

MICH. JONES, *Register.*

The Hon. JOSIAH MEIGS,

Commissioner General Land Office.

No. 3.

RECEIVER'S OFFICE AT STEUBENVILLE,

July 16th, 1821.

SIR: I have the honor to acknowledge the receipt of your circular, of the 30th ultimo. The abstracts, receipts, &c. have come to hand in good order. I shall make my returns of the proceedings under the law of the 2d March, at the same time as the Register, and in the manner instructed.

As this is one of the oldest land districts, individual accounts, almost innumerable, are open, alone composing several ledgers. It is, therefore, impossible, at this time, to estimate the number of the books of the abstract B, which will be requisite for the use of this office. So soon as it can be done with a probability of certainty, I shall inform you. It is equally difficult to estimate the number of receipts of the different forms received; if more are required, they can be printed here.

I take the liberty to suggest one thing to you—as to the increased and arduous duties the new land law imposes on these offices, an accurate idea of which, you have, no doubt, obtained, from the examination and complete analysis it has undergone in your office. The limited time that yet remains to those persons who are inclined to take the benefit of that law, will necessarily crowd the business almost to pressure, in the months of August and September. Very many purchasers of public lands are now waiting until the forms shall be received and understood, so as to enable them to complete their business. To do the necessary business of that period, and to make out and transmit the abstracts and reports within three months thereafter, agreeably to the law and your instructions, will require the whole attention of myself and one clerk. I shall, therefore, be under the necessity of employing another to do the ordinary and current business of the office, and I hope his compensation will be allowed me at the Treasury; I am the more inclined to believe that this additional expense will be allowed, as you recollect that the Re-

ceiver's compensation, has, within the last few years, been curtailed of a half per cent. The remaining per centage received at this office, would be no more than sufficient to pay a competent clerk, as none could be useful in it, but a person of considerable talents and strict integrity, qualifications not procured in this country, without considerable compensation. I should, therefore, in the employment of two clerks (and with fewer I am convinced I cannot complete the business in that correct and satisfactory manner that is contemplated in the instructions) receive nothing for my own labor and attention, risk, and responsibility. Although it is extremely irksome for me to ask any thing of the Government, except the usual and ordinary fees of the office, yet I have the less hesitation in making the above request, as I consider it to be contemplated by the laws and usages regulating the Treasury Department. I find, from letters of record in this office, received from that Department, that the Receivers of Public Moneys have been allowed additional compensation for particular services, and unexpected duties, such as the transportation of specie, &c. and their reasonable account admitted. I hope, therefore, to receive your instructions to do so, in the present instance, as the business of the office has arrived at an unexpected exigency, and to have an additional allowance for clerk hire, so long as one shall be necessary.

I have the honor to be, very respectfully, sir,

Your obedient servant,

SAMUEL STOKELY, *Receiver.*

Hon. JOSIAH MEIGS,

Commissioner General Land Office.

No. 4.

RECEIVER'S OFFICE AT ST. STEPHEN'S,

August 14th, 1821.

SIR: Some doubt exists in relation to the fees allowed by the act of Congress, for the relief of the United States debtors for public lands, upon which, I respectfully request your opinion. The law allows a fee of fifty cents to the Register and Receiver for each relinquishment, and the doubt is, whether this fee is also allowed where the debtors relinquish their former contract and claim a further credit. There is as much labor imposed upon the officers in making the entries and balancing the books, where a further credit is claimed, as where a part of the land is given up; and these entries are made entirely for the benefit of the debtors. As no compensation is al-

lowed by the United States for this labor, it would seem reasonable that those who receive the benefit of it, should pay for it fifty cents.

I am, with great respect,

Your obedient servant,

WM. CRAWFORD.

Hon. JOSIAH MEIGS,

Commissioner of the General Land Office.

LAND OFFICE, ST. STEPHEN'S,

August 14th, 1821.

SIR: A doubt has occurred, whether, under the late land relief law, any fees are allowable to the Receiver and Register, in cases where further credit only is claimed, other than the Register's fees for the filing &c. of the declaration.

We have declined taking any other fees in those cases; but if your construction of the law, will entitle us to any farther compensation for this portion of trouble, we are interested how soon you may apprise us of your opinion.

Your most obedient,

ISRAEL PICKINS,

WM. CRAWFORD.

Hon. JOSIAH MEIGS,

Commissioner of the General Land Office.

No. 5.

LAND OFFICE, WEST OF PEARL RIVER,

July 21, 1821.

DEAR SIR: Enclosed you will receive my return for the month of June last. Also, a list of lands reserved from the sale held in the present month, for the use of schools.

The sale consisted of the lands situated among private claims, not heretofore offered, (or sold at private sale,) together with the subdivisions of fractions. The lots and out-lots in the city of Natchez, were not offered, it being conceived that the President's proclamation did not embrace them.

The forms and instructions accompanying your letter of the 23d ult. have been received. I discover that the duties that devolve on me are various, complicated, and arduous, requiring my utmost care and circumspection to prevent confusion, and to carry into effect fully

the views of the Treasury in relation to the law. All that I can promise, under this additional weight of responsibility and accumulation of duties, is, that every exertion will be made by me to carry into effect the provisions of the law. I am, however, apprehensive that it will not be in my power to perform all the duties without the assistance of a clerk. May I not reasonably expect that the salary of one, (say \$800 per ann. for about six months,) will be paid by the Government?

I am, sir, with great respect,

Your most obedient servant,

B. R. GRAYSON.

JOSIAH MEIGS, Esq.

Commissioner General Land Office.

No. 6.

LAND OFFICE AT FRANKLIN,

Receiver's Office, Dec. 1, 1821.

SIR: I have the honor to transmit, herewith, my account of moneys received, under the cash sytem, for the month of November.

The Register having offered his resignation, and left the country, puts it out of my power to make the returns required by law, or progress with the entries in the books of my office. The abstract of relinquishment, and further credits, would now have been ready, if I could have obtained the requisite information from the Register's Office. The abstract of lands fully paid for, in cash, is now ready, but will not be forwarded until the returns of the Register are ready, in conformity with your letter of instructions, of 30th June.

The late period at which the instructions under the law of the 2d March, were received, and the resignation of the Register, has caused me to incur an expense which the emoluments of the office will not pay, unless the government will pay the clerks for the period which they were, without my instrumentality, unemployed. This claim, I flatter myself, will be considered a just one, as the law required certain duties to be performed within a limited period. The clerks necessary to perform it were employed, and the duties would have been executed, but for casualties over which I had no control.

I have the honor to be, sir,

with high respect,

Your obedient servant,

T. A. SMITH, *Receiver.*

JOSIAH MEIGS, Esq.

Commissioner General Land Office.

No. 7.

LAND OFFICE, CAHABA,

16th January, 1822.

SIR: I received yours of the 3d and 8th November, stating the transmission of 18 and 36 quarter quires of abstract C. Those abstracts have been delayed on the way, as I understand from the postmaster, to give room for some public documents which have come to the Executive Department of this state, but they have at last been received. Not having completed the first copy of that abstract, I am unable to say how many of these blanks will be required for this office; but, I presume, the quantity in hand will be sufficient. The first copy of my abstract A is made up, and has employed eleven of the books or quarter quires, and we have four blanks of this description left; we shall, consequently, want seven more of abstract A to make the duplicate. We are progressing with this labor as expeditiously as we can, but it is so great a task that I can form but a very imperfect idea when we shall have them completed. I have myself been, and am still, so afflicted with biles, that I can do but little at my part of it. I shall add the abstract of relinquishments as soon as I am able to do it, and give you the result of the addition.

It has occurred to me that a great saving of labor may be made by posting each individual account directly from the abstract of relinquishments, instead of first journalizing them. And, in addition to the saving of the labor of journalizing, the chances of errors will be saved manifold, as I should perform the labor myself in this way; otherwise, I shall have to depend on clerks to do the journalizing, in whom I have less confidence, as to correctness, than in my own work. It will occupy the time of a clerk two years at least to do the journalizing. Will the Congress give us any additional compensation this Session for those having labors? We shall surely need it.

I am, sir, very respectfully,

Your obedient servant,

ALEX. POPE.

The Hon. JOSIAH MEIGS,

Commissioner General Land Office.

No. 8.

REGISTER'S OFFICE, FRANKLIN,

January 24, 1822.

SIR: I have the honor to inform you that I arrived here on Thursday, the 17th instant; qualified myself agreeably to your instructions of the 14th November, and immediately entered upon the duties of

the office assigned me. I find, on taking charge of the Register's Office, that all the business which accrued under the law of Congress, of the 2d March, 1821, granting relief to purchasers of public lands, prior to the 1st July, 1820, is yet to perform, or nearly so. From the best information I can obtain from gentlemen acquainted with the business of the office, it will require three or four good clerks twelve or sixteen months to bring up the books, and perform the other duties required by the instructions under the law above-mentioned. Exclusive of bringing up the books, the relinquishments and declarations are all yet to record. Certificates of relinquishment, and of further credit, (with the exception of a few,) have yet to be furnished to the Receiver. Final certificates, and certificates of further credit, yet remain to be made out to purchasers; and but little progress has been made in the abstracts, with the exception of the abstract of relinquishments, which is made out as far as relinquishment number 630; the whole number of relinquishments being 860.

Believing it to be necessary, and the wish of the honorable the Commissioner of the General Land Office, that the business which accrued under the law of the 2d March, 1821, should be brought up and closed as speedily as possible, I have employed three clerks with that view; relying, confidently, that the Government will defray the whole of the expense of bringing up the business of my predecessor. Allow me to request, that you will be good enough to write me on this subject at as early a period as is convenient.

Every effort shall be made by me to have the abstracts of relinquishment, and of further credit, &c. &c. required, made out, and forwarded as speedily as possible. My present impression is, that we can commence enclosing them by the 10th of March.

I enclose, by this day's mail, returns for the months of November and December. They could not be forwarded sooner for the want of the Register's signature. Your circular, of the 30th November, has been received, and shall be attended to.

I have the honor to be,

With great respect and esteem, sir,

Your obedient humble servant,

JOHN MILLER, *Register.*

The Hon. JOSIAH MEIGS,

Commissioner of the General Land Office.

No. 9.

FRANKLIN, MISSOURI, July 16, 1822.

SIR: Enclosed you will receive my quarterly account, ending 30th June last, and nine monthly returns for moneys received for lands purchased of the United States prior to the first day of July, 1820.

These returns are for the months of October, November, and December, 1821, and for January, February, March, April, May, and June, 1822. The final certificates for lands sold prior to the 1st day of July, 1820, and fully paid for under the law of the 2d March, 1821, are now making out, and will be forwarded as speedily as possible; the Receiver's receipts for final payment, &c. will accompany the final certificates.

You will perceive, from my quarterly account, that I have charged a commission of one per cent. on \$253,294 01, being the amount of moneys transferred from lands relinquished at this office to the payment of lands retained under the law of the 2d March, 1821. In making this charge, I consider myself as clearly entitled to a commission on the abovementioned sum, as if it had been actually received in cash. The responsibility and labor in performing the duties required by the law of the 2d March, 1821, are infinitely greater than they would have been under the old law, had the same amount in cash been received. Although I have receipted to Thomas A. Smith, Esq. Receiver, for \$2,532 94, being the commission on the abovementioned sum, I have not drawn the money, nor shall I do so, until a decision is made on the subject by the proper department. Should the amount charged be allowed, I shall consider myself bound to refund to the Government the amount charged by me for clerk hire, in bringing up the business which accrued under the law of the 2d March, 1821.

I will here observe, that no part of the fees allowed to the Register at this place for receiving, filing, and recording relinquishments and declarations, &c. &c. amounting, as they did, to near \$2,000, were received by me, notwithstanding I have performed nearly the whole of the labor which those fees were intended to have compensated.

Your letter of the 29th, and a patent for Mr. Peter Bass, have been received, as, also, your circular to United States' land debtors.

I have the honor to be, with great respect,

Sir, your obedient servant,

JOHN MILLER, *Register.*

JOSIAH MEIGS, Esq.

Com. Gen. Land Office.

No. 10.

Land Office, Chillicothe, Jan. 10, 1822.

SIR: The same mail that carries this letter, carries the abstract of relinquishments and further credits, and lands fully paid for in cash. The statement of tracts on which the law has not been accept-

ed, will be put in the mail in a few days; and, also, the relinquishments and declarations which have been filed by the purchasers. It has been a very laborious business, the compensation allowed is by no means adequate to the labors performed. I hope it will be found correct; I have given all the attention in my power to have them so.

I am, very respectfully,

Sir, your most obdt. servant,

JESSE SPENCER.

JOSIAH MEIGS, Esq.

Com. Gen. Land Office, Washington.

No. 11.

LAND OFFICE AT EDWARDSVILLE,

February 12, 1822.

SIR: But for my having been led to believe, from what I had heard, that I should have received a communication from you, I should long since have written to you on the subject of the compensation to be allowed to the officers of the Land Offices, under the act of the 2d of March last. I have been informed that the Secretary of the Treasury thought the officers were entitled to their per cent. upon lands relinquished; but the silence of the instructions on this subject created some embarrassment, which has been since increased by the different views which different officers, in this section of the country, take, as to the sum on which the per cent. should be charged. Most of them contend that they are entitled to one per cent. on *the amount of money DUE on lands relinquished*. This I think doubtful. But I am clearly of opinion, that they are legally entitled to the per cent. on *the amount of moneys heretofore paid on lands relinquished, which are transferred and applied to the payment of lands not relinquished*.

Those who claim the per cent. on the amount *due*, contend that, when the land was sold, the map marked, the certificate issued, and a separate account opened for each tract, that the labor was chiefly performed, and but little, comparatively, remained to be done, and that little was required, by the old law, to be completed within two, three, or, at most, four years, during which time the officers would be reaping a profitable harvest from labor previously bestowed; but, by the late law, the whole was forced to be done in one year, and, of course, but \$3000 compensation could be received, one-half of which, in large offices, would be required to pay the number of clerks necessary to complete the business within the very short time limited by law. Their claims are further strengthened by the consideration that, in future, their emoluments will be greatly postponed, and the labor much augmented, in consequence of the increased number of entries—there being now, as you know, in one case, four, where there was but one—in another, six, where there were but two—and, in the other, eight, where there were but three entries formerly.

These considerations, as well as others which could be adduced, present strong claims on the justice of the Government for further and more equitable remuneration to the officers of the Land Offices, for the arduous duties which have been performed under the act of the 2d of March last; and it is hoped they will not be overlooked. But I conceive that the officers are strictly, and, under existing laws, legally, entitled to the per cent. on the amount of cash paid on lands relinquished, which has been transferred to the payment of lands not relinquished. The fee of 50 cents, paid by individuals for each tract relinquished, I consider was intended as a compensation for the trouble of making out "Abstracts," re-marking or lettering the maps, and closing in the books the account of the tract relinquished; and, by the way, a very poor and insufficient compensation it has proved to be for this labor and trouble. The relief law had the effect of converting the certificates of lands to be relinquished into a species of land stock, or scrip, which it made receivable in payment of other lands, in the same way that Congress originally made the evidence of public debt, and more recently the Mississippi stock; and in this state, certificates of unlocated confirmed claims, and in Missouri, the certificates granted to Lewis and Clarke's men, were receivable in the Land Office, and the officers allowed their commission in the same manner as if money had been paid. Indeed, so far as the Registers are concerned, it is more troublesome to receive these various species of stock in payment of lands sold, as it is always a longer entry than when money itself is paid. It is not a good objection to urge that the officers have already received their commission on the amount of money paid, for the contract has been by mutual consent cancelled, and the money which was paid again, placed at the disposal of the original owner, to be applied as he may think proper in the payment of lands heretofore sold, and requires more labor to make the entry than if the payment had never been applied to other land. It is, in fact, a payment; and as such, the officers are entitled to their commission, whether the same be made in money, bank notes, public stock, or land certificates.

I therefore consider that the officers have an unquestionable right, under existing laws, to their commission on the amount of money which has been transferred from lands relinquished to the payment of lands not relinquished, and I should have felt no hesitation in having presented my account, and received my commission on it, without consulting you on the subject, but for other land officers, among others the Receiver of this office, having claimed and sent on their accounts, charging commission on the amount *due* on lands relinquished. Having doubts, as I observed before, whether we were legally entitled to this, I declined settling my account for the quarter ending on the 30th September, until the question should be settled on which of these sums the Government should think we were entitled to a per cent. That the Land Officers should receive, from the justice of Government, more than what I claim as a *legal right*, will not be denied by any who are acquainted with the detail of the proceedings

under the relief act; and not believing that it could have been in the contemplation of Congress to impose unusually arduous duties, which were extra official, and such as never could have been contemplated at the time the officers accepted their offices, (for they were appointed to *sell* and not to *re-purchase* land) I cannot but presume that a compensation, proportionate to the service rendered, will be allowed. To shew you how completely the fees paid by individuals have fallen short of being a compensation for the service performed, I will state the receipts and disbursements of this office.

The amount of fees received from individuals for filing notices, and on tracts relinquished, was about \$800. For clerk hire and office rent, from the 1st of July to the 1st of January last, \$570. On the 1st of January, there was between four and five months employment for one clerk to post the books, and complete the business, under the relief act, which would cost at least \$200. This, therefore, leaves but *thirty dollars* as a compensation to the Register, who, during the whole period, labored as hard, if not harder, than any clerk in the office; and this, I should think, must be pretty much the case in every Register's office, (I say Register, because he has had three times more to do than the Receiver) where, in compliance with the law and your instructions, "Abstracts" were made out and transmitted within the time prescribed, and where care was taken to keep the abstracts written up as the business came in, and where certificates of further credit were made out and issued in proper time. By the by, the making out of these certificates was a very laborious job, for which the Registers received no compensation, nor did they for making out "Abstracts" of further credit—fifty cents being the whole amount of fee paid for recording a "declaration," no matter how many tracts it contained.

The commission of one per cent. upon the amount of cash paid on lands relinquished, which has been transferred and applied to the payment of lands not relinquished, amounts to but about \$700. This, it certainly must be admitted, is not an adequate compensation, and gives us just claims on the Government for further and more liberal remuneration.

I ask the favor of you to show this letter to Mr. Crawford, to give it an early answer, and to be assured of my great respect.

EDWARD COLES.

The COMMISSIONER

Of the General Land Office.

No. 12.

Shawneetown, March 7th, 1822.

SIR: The law granting relief to the purchasers of public lands, and the instructions recently received, pointing out the mode of car-

tying that law into effect, imposes on the Registers of the several land offices a most laborious duty, for which, in many cases, there appears to be no adequate compensation.

In cases of relinquishment and consolidation, the fees may perhaps be considered as adequate to the additional labor which the law imposes, which is not the case; taking into view the immense labor of the abstracts, in making them out and comparing them with every individual account, certainly imposes an additional labor on the officers, which the law never contemplated.

But in all cases where the extended credit is preferred, though the duty of the land officer in those cases is very laborious, scarcely the shadow of a compensation seems to have been provided, and yet it is hardly to be credited that the national legislature would impose so much additional labor, and consequent expense, upon the Registers of the respective land offices, without granting, or intending to grant, a reasonable compensation. There can be no doubt but a very large proportion of the purchasers of public lands have availed themselves of the relief offered by an extension of credit, and, in those cases, the only fee to which the Register seems to be entitled, (let the duty be ever so great,) is fifty cents from each applicant. Cases have occurred in my office, of an application of a single individual, for an extension of credit on from twenty to thirty tracts: the labor in the office of the Register, required by this operation, is in every respect equal to that attending the relinquishment of an equal number of quarter sections; in the latter case, where the fees would amount to about fifteen dollars, which in the former they amount to fifty cents only. This disproportion of compensation to the duties required is, no doubt, to be attributed to accident or inadvertence on the part of the government, rather than to an intention to throw an uncompensated labor and burdensome expense on the officers of the land offices.

I cannot but persuade myself, that it was the intention of Government to allow the Registers and Receivers a fee of fifty cents, as well on each case of an extension of credit, as on each case of relinquishment; since it is as just and necessary in the one case as the other.

It may not be improper to observe, that the compensation in cases of relinquishment and consolidation, is not adequate to the additional labor and expense of clerk hire required by the additional duties imposed.

Under these circumstances, and with this state of facts, would not the Government, on a fair and just representation of the immense labor, afford some relief? and would not the Secretary of the Treasury, and the Commissioner of the General Land Office, give to such application the weight and influence of their sanction and advice? It is indeed a fact, susceptible of demonstration, that the present emoluments of office, under the old system, are barely equal to the current expenses of the office.

It is equally clear, that, after the laborious duty required by the new law shall have been performed, and the expenses of the offices paid,

the Register and Receiver will be in debt. There is a subject of importance that I beg leave to call your attention to. Is not the Register and Receiver entitled by law to their commission on all the lands relinquished? If you are of opinion they are, will you, Sir, have the goodness to obtain the opinion of the Secretary of the Treasury on the subject, and advise us of the same?

Your very obedient and humble servant,
THOMAS SLOO.

JOSIAH MEIGS Esq.

No. 13.

VINCENNES, *March 12, 1822.*

DEAR SIR: I have just seen a copy of the letter which my worthy colleague, Mr. Badollet, addressed to you, some days since, upon the subject of our commission on the amount of money paid upon land relinquished; and I have thought it best to inform you, that the contents of that letter coincides exactly with my views of the matter.

It has ever been my opinion, that we were justly and legally entitled to our commission on this sum, if not upon the balance due on said lands; and it was my intention to have made the charge in my account current for September last; but, hearing that my brother officers, to the south and west, were divided in their opinions upon the subject, I thought proper to delay making the charge.

I am well convinced that the members of Congress could have had but little idea of the business and trouble they were creating for the Land Officers, or they would have made some provision by which they might have been recompensed. It is certainly hard, and, indeed, unjust, that they should alone suffer by the operations of a law, so well calculated to relieve the rest of society.

But it is needless for me to enter into a detail of our grievances; they have, no doubt, been copiously narrated, by persons more able than myself to do justice to the subject.

Sincerely hoping that you will give us all the assistance in your power, and that you will pardon the liberty taken by my addressing you in this manner, I shall conclude, by subscribing myself,

With respect and esteem,

Your obedient servant,

J. C. S. HARRISON.

JOSIAH MEIGS, Esq.

P. S. I think I shall get my "abstracts" off by the next mail.

J. C. S. H.

No. 14.

ST. LOUIS, *December 4th, 1823.*

SIR: By this mail, a full view of the receipts and expenditures of my office is transmitted to you; I have claimed my commission upon the full amount of the relinquishments, for the following reasons:

When I took possession of this office, within the term of the appointment, the whole amount of the debt due from purchasers of public lands must have been paid or the lands forfeited, and the legal and moral presumption was, that the debt would have been discharged by actual payment; and upon this amount I had a claim, under the existing laws, to one per cent.; the government interpose, change the contract, and agree to receive property instead of money, in discharge of this debt; money represents property; when receiving actual cash we were only receiving that which represented so much property, either in the hands of government or individuals; by the relinquishment law, government changed this relation between money and property, and in the transactions under that law, made property represent so much money then due to them; it could never have intended, by this transposition, to have deprived us of our commission, because the law did not diminish but increase the labor and expense of the office.

The money paid to the government for the lands relinquished, did not pass through my hands; it was received by my predecessor; he reaped the benefit of the commission, as compensation for his expense and trouble in that transaction; if, therefore, the government receive back property representing this money thus paid, and I am employed to superintend the operation, and subjected to the expense and labor of conducting it, it appears to me law, justice, and reason, proclaim my right to the commission; otherwise the government liquidates a debt of \$411,612, subjecting me to extraordinary labor and expense, and make, by depriving me of the commission on \$411,612. If A should employ me to collect a debt from B, and subsequently request me to receive property in payment at valuation, or an agreed price, no man living would suppose me not entitled to the agreed commission; otherwise, shifting the mode of payment, although more troublesome, would enable the principal to deprive his agent of compensation under that agreement.

It is objected to this, that the government will pay two commissions on the same money. This is not the fact; but if it was, it is of every day's occurrence amongst men of business; for example, if A employs B to collect a debt from C, receives payment from his agent B, and again loans it to D, and employs B to collect the debt thus contracted from D, he would be entitled to his commission as compensation for his expense and trouble in the collection. If A had consented to receive property, in the last instance, in discharge of the debt, both law and equity would give the agent his per cent. Certainly the case put is not diminished in weight by the change of agency in

the period intervening between the contracting of these debts; the principle cannot be changed by substituting the government for A.

I have charged clerk hire, because, if the business had been conducted in the ordinary manner, the whole amount could have been received, and the business of the office managed by one clerk. The relief laws crowded an immense mass of business within a small space of time, and has increased the labor and expense of the office two-thirds; the office is yet suffering under the burden of business imposed upon it, and every expense is, at this moment, doubled, by the effects of the relinquishment law.

In reply to their just claims, it is said the Registers and Receivers might have resigned; we could not anticipate the embarrassing result of the relief laws, even if gifted with the spirit of prophecy; they could not have resigned; their duty as citizens and officers of the government forbid it; it was a beneficent act in the government, and based upon the deepest and wisest policy; it rescued the morals of the debtors from the danger of two powerful temptations, and brought back the unsettled affections of the extremity of the empire, and chained them to the centre, by inspiring confidence and gratitude in the best of governments. If we had not proceeded, we should have thrown the country into confusion, embarrassed the department to which we belonged, and sacrificed ourselves. The practice of all governments authorize us to expect compensation for extra labor and unanticipated expense, and many precedents of our own government justify the expectation of remuneration. The last session of Congress there was an appropriation, allowing an extra clerk for the Surveyor General to bring up business in arrear; there being, I presume, an unexpected accumulation of business in his office. Upon the same principle we claim clerk hire. If we, at our own expense, have brought up the business, our claim is the stronger: for we have performed a necessary work, relying upon the justice of the government, when it postponed the work until the funds were appropriated, risking nothing.

The charge of office rent and fuel does not stand so firmly upon indisputable legal principle, but I have introduced it, because I understand it has been sanctioned, and I claim it as just, and sustained by precedent.

Your's respectfully,

GEORGE F. STROTHER.

The Hon. GEO. GRAHAM.

No. 15.

RECEIVER'S OFFICE, WEST OF PEARL RIVER,

Washington, January 2, 1823.

SIR: I have the honor to transmit to you, herewith, my account of moneys received for public lands, sold during the month of December, 1822, (nothing having been received on account of lands purchased from the United States prior to the 1st day of July, 1820;) also, a duplicate of my monthly account current with the United States, for December, 1822, accompanied by the necessary vouchers in support of the charges therein expressed.

I am aware that the item of \$500, charged in my account for an assistant, is unauthorized; but, when the excessive labor necessary to the completion of the duties prescribed under the act of the 2d of March, 1821, and the confident expectation that compensation will be provided for that service, is taken into consideration, I trust that item will not be deemed inadmissible.

I am, very respectfully, sir,

Your obedient servant,

J. DUNBAR.

JOHN M'LEAN, Esq.

Com. Gen. Land Office, Washington City.

A.

Extract of a letter from the Commissioner of the General Land Office, dated August 15, 1821, to David Hoge, Esq. Register, Steubenville.

"It will be necessary that you employ such assistance as may be indispensably requisite to the execution of your duties within the period limited by law. There is every reason to expect that, at the next session of Congress, some suitable provisions will be made in favor of the Land Offices, for the additional trouble imposed by the late act."

B.

Extract of a letter from the Commissioner of the General Land Office, dated 5th Dec. 1821, to Michael Jones, Esq. Register, Kaskaskia.

"I am happy to learn that your report, under the law, is in a state of forwardness, and trust that general provisions will be made to compensate Registers and Receivers for their arduous exertion in the execution of the law, in proportion to the labors respectively performed."

C.

TREASURY DEPARTMENT,

General Land Office, August 4, 1821.

SIR: Your letter of the 16th ult. acknowledging the receipt of my circular of the 30th June last, and the forms therewith transmitted, has been received. In reply to the difficulties, enumerated in your letter, attending a proper compliance with the forms and instructions drawn up under the law, without additional aid and compensation, I can only briefly state, that there is every reason to expect that Government will make a suitable allowance to the Registers and Receivers of United States' Land Offices, generally, for the additional burdens imposed on them by the act of 2d March last, and that every exertion that I can make, will be used to effect some liberal provisions in their favor.

I am, &c.

JOSIAH MEIGS.

SAMUEL STOKELY, Esq.

Rec'r Public Moneys, Steubenville, Ohio.

D.

Extract of a letter from the Commissioner of the General Land Office, dated 17th September, 1821, to Wm. Crawford, Esq. Receiver, St. Stephen's.

"The fees allowed by the act, are fifty cents to the Register and Receiver, respectively, for every tract relinquished; and it moreover allows fifty cents to the Register for each declaration.

"The trouble of the Receiver, in cases of declaration, has not been provided for by the act. In my opinion, the compensation should have been equal. But in the absence of legal provisions, I have no authority to authorize the receipt of fees."

E.

GENERAL LAND OFFICE,

30th August, 1821.

SIR: Your return for June last, and a list of lands reserved from sale in July last, for the use of schools, have been received with your letter of the 21st ultimo.

In reply to your inquiry, whether the assistance of a clerk will be allowed you in the execution of your arduous duties, under the act of the 2d March last, I am fully of opinion that your request ought to be granted. I have been authorized by the Secretary of the Treasury, to inform the land officers generally, that every disposition exists to afford them facilities in the dispatch of public business, particularly the arduous duties imposed by the act of 2d March last; and that it may with great reason be hoped, that some provisions may be made in their favor at the next Session of Congress.

With great respect,

I am, your obedient servant,

J. MEIGS.

BEVERLY R. GRAYSON, Esq.

Register, Washington, Mississippi.

F.

GENERAL LAND OFFICE,

30th August, 1823.

SIR: In the accounts of the Receiver of Public Moneys at Franklin, for the 1st and 2d quarters of 1822, are found \$781 29, charged by you for clerk hire, to bring up the books under the relief law; and the sum of \$2.532 92, as commission on the moneys transferred from lands relinquished. The commission is inadmissible; but, as it is proper that you should be compensated for closing the transactions of your predecessor, it has been deemed proper to submit your letter of the 16th July, 1822, which treats of the subject, to Mr. Carroll, with a request to settle the matter amicably with you; and to determine, that, should that gentleman make any difficulty on the subject, that the clerk hire be allowed you, and charged to his account.

In order that this incident do not delay the examination of the quarterly account, the sums charged for clerk hire, shall be suspended until the result of the transaction between you and Mr. Carroll be made known to this Department.

I am, respectfully,

Your obedient servant,

GEO. GRAHAM.

JOHN MILLER, Esq.

Register, Franklin, Missouri.

G.

GENERAL LAND OFFICE,

30th August, 1823.

SIR: I transmit herewith, a copy of a letter from the present Register of the Land Office at Franklin, and a copy of the instructions of the Secretary of the Treasury in relation to it. That letter and its endorsements explain so fully the nature of the affair under consideration, that I shall merely add a request to communicate to this Department as early as convenient, the result of the transaction between yourself and Mr. Miller.

I am, respectfully,

Your obedient servant,

GEO. GRAHAM.

CHARLES CARROLL, Esq.

Late Register at Franklin, now at Rochester, N. Y.

H.

GENERAL LAND OFFICE,

January 15, 1824.

SIR: I have duly received your letter of the 14th ultimo, stating your reasons for charging a commission on the full amount of the lands relinquished, and for a further charge for Clerk hire. Agreeably to the usages and instructions of the Treasury Department, neither of these items can be admitted to your credit, on the adjustment of the account at this Office. I will, however, take great pleasure in submitting your letter to the particular consideration of the Secretary of the Treasury, so soon as his health will enable him to attend to the details of the business of his Department. I wish it were in my power to give you some assurance, that such submission would probably result in the modification of the general principle heretofore adopted; but I am induced to believe, that yourself, and other officers similarly situated, will obtain no relief, except by Legislative interference.

With sentiments, &c.

GEO. GRAHAM.

To GEO. F. STROTHER, Esq.

Receiver, &c. St. Louis, Missouri.